



Adopted	Rejected
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## COMMITTEE REPORT

YES:	11
NO:	1

### MR. SPEAKER:

*Your Committee on Utilities and Energy, to which was referred Senate Bill 396, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1       Page 8, between lines 20 and 21, begin a new paragraph and insert:  
2       "SECTION 6. IC 36-8-16.6-11, AS AMENDED BY P.L.132-2012,  
3       SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4       UPON PASSAGE]: Sec. 11. (a) The board shall impose an enhanced  
5       prepaid wireless charge on each retail transaction that occurs after June  
6       30, 2010. The amount of the initial charge imposed under this section  
7       may not exceed one-half (1/2) of the monthly wireless emergency  
8       enhanced 911 fee assessed under IC 36-8-16.5-25.5 (before its repeal  
9       on July 1, 2012). The board shall increase the amount of the charge  
10      imposed under this section so that the amount of the charge imposed  
11      after June 30, 2012, under this section equals fifty cents (\$0.50).  
12      (b) Subject to legislative approval, after the increase described in  
13      subsection (a) and after June 30, 2012, the board may increase the

enhanced prepaid wireless charge to ensure adequate revenue for the board to fulfill its duties and obligations under this chapter and IC 36-8-16.7.

(c) A consumer that is the federal government or an agency of the federal government is exempt from the enhanced prepaid wireless charge imposed under this section.

**(d) This subsection applies to a provider that is designated by the Indiana utility regulatory commission as an eligible telecommunications carrier for purposes of receiving reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission. A provider:**

**(1) is not considered an agency of the federal government for purposes of the exemption set forth in subsection (c); and**

**(2) is liable for the enhanced prepaid wireless charge imposed under this section with respect to prepaid wireless telecommunications service provided by the provider in its capacity as an eligible telecommunications carrier.**

SECTION 7. IC 36-8-16.7-32, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) Except as provided in subsections (c) and (e), and subject to subsection (b) and section 48(e) of this chapter, the board shall assess a monthly statewide 911 fee on each standard user that is a customer having a place of primary use in Indiana at a rate that:

(1) ensures full recovery of the amount needed for the board to make distributions to county treasurers consistent with this chapter; and

(2) provides for the proper development, operation, and maintenance of a statewide 911 system.

The amount of the initial fee assessed under this subsection is ninety cents (\$0.90).

(b) The board may adjust the statewide 911 fee to ensure adequate revenue for the board to fulfill the board's duties and obligations under this chapter, subject to the following:

(1) The fee may not be raised or lowered more than one (1) time in a calendar year.

(2) The fee:

- 1 (A) may not be raised by an amount that is less than or equal  
2 to ten cents (\$0.10) without review by the budget committee;  
3 and  
4 (B) may not be raised or lowered by an amount that is more  
5 than ten cents (\$0.10) without legislative approval.
- 6 (c) The fee assessed under this section does not apply to a prepaid  
7 user in a retail transaction under IC 36-8-16.6.
- 8 (d) An additional fee relating to the provision of 911 service may  
9 not be levied by a state agency or local unit of government. An  
10 enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not  
11 considered an additional fee relating to the provision of wireless 911  
12 service for purposes of this section.
- 13 (e) A user is exempt from the fee if the user is any of the following:
- 14 (1) The federal government or an agency of the federal  
15 government.  
16 (2) The state or an agency or instrumentality of the state.  
17 (3) A political subdivision (as defined in IC 36-1-2-13) or an  
18 agency of a political subdivision.  
19 (4) A user that accesses communications service solely through  
20 a wireless data only service plan.
- 21 **(f) This subsection applies to a provider that is designated by the**  
22 **Indiana utility regulatory commission as an eligible**  
23 **telecommunications carrier for purposes of receiving**  
24 **reimbursement from the universal service fund through the**  
25 **administrator designated by the Federal Communications**  
26 **Commission. A provider:**
- 27 (1) is not considered an agency of the federal government for  
28 purposes of the exemption set forth in subsection (e); and  
29 (2) is liable for the monthly statewide 911 fee assessed under  
30 subsection (a) with respect to communications service

1     **provided by the provider in its capacity as an eligible**  
2     **telecommunications carrier."**

3         Renumber all SECTIONS consecutively.

(Reference is to SB 396 as reprinted January 31, 2014.)

**and when so amended that said bill do pass.**

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Representative Koch